

ESTTA Tracking number: **ESTTA538402**

Filing date: **05/17/2013**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Priscilla Woolworth		
Entity	Individual	Citizenship	UNITED STATES
Address	5755 Allot Avenue Van Nuys, CA 91401 UNITED STATES		

Attorney information	Alan Cyrlin Law Offices of Alan I. Cyrlin 5850 Canoga Avenue, Fourth Floor Woodland Hills, CA 91367 UNITED STATES acyrlin@cyrlinlaw.com Phone:818-636-1203
----------------------	---

Registration Subject to Cancellation

Registration No	3625221	Registration date	05/26/2009
Registrant	NYT Management Services, Inc. 2202 North Westshore Blvd. Tampa, FL 33067 UNITED STATES		

Goods/Services Subject to Cancellation

Class 016. First Use: 2007/12/00 First Use In Commerce: 2007/12/00 All goods and services in the class are cancelled, namely: magazines featuring subject matter of interest to women in the fields of women's issues, lifestyles, money and finances, books and literature, family, dining, health, beauty, shopping, fashion, and travel
Class 041. First Use: 2007/12/00 First Use In Commerce: 2007/12/00 All goods and services in the class are cancelled, namely: Providing on-line publications in the nature of magazines featuring subject matter of interest to women in the fields of women's issues, lifestyles, money and finances, books and literature, family, dining, health, beauty, shopping, fashion, and travel

Grounds for Cancellation

Abandonment	Trademark Act section 14
-------------	--------------------------

Attachments	PETITION FOR CANCEL.pdf(168928 bytes)
-------------	--

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/aic/
Name	Alan Cyrlin
Date	05/17/2013

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of trademark registration no. 3,625,221

For the Mark: Lola

Date Registered: May 26, 2009

Priscilla Woolworth,

Petitioner

v.

NYT Management Services, Inc.,

Respondent and Registrant.

PETITION TO CANCEL A REGISTRATION OF A MARK

Priscilla Woolworth (“Petitioner”), an individual, with an address at 5755 Allott Ave., Van Nuys, California, 91401, believes it is damaged by Registration No. 3,625,221 (“Registration”), and hereby petitions to cancel the same under 15 U.S.C. § 1064(3).

As grounds for cancellation, Petitioner asserts that:

1. To the best of Petitioner’s knowledge, the name and address of the current owner of the Registration are: NYT Management Services, Inc. (“Registrant”) at 2202 North Westshore Blvd., Tampa, Florida, 33067.
2. On August 28, 2007 , Registrant filed an Intent to Use application to register the mark “Lola” under Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b)). After amendments to the application, Registrant obtained U.S. Registration No. 3,625,221, which issued on May 26, 2009, for the term “Lola” for the following goods/services and classes:

“Magazines featuring subject matter of interest to women in the fields of women's issues, lifestyles, money and finances, books and literature, family, dining, health, beauty, shopping, fashion, and travel” in IC 016 and

“Providing on-line publications in the nature of magazines featuring subject matter of interest to women in the fields of women's issues, lifestyles, money and

finances, books and literature, family, dining, health, beauty, shopping, fashion, and travel” in IC 041.

3. On July 5, 2012, Petitioner filed an application to register the mark “L.O.L.A. Lots of Love Always” in Class 16 for a “Series of nonfiction books about living a sustainable lifestyle and making healthy choices” (Serial No. 85,669,587).
4. By an Office Action on October 25, 2012, and a Final Office Action on April 9, 2013, the Examining Attorney refused to register Petitioner’s proposed mark “L.O.L.A. Lots of Love Always”, based upon Registration No. 3,625,221.
5. Registrant claimed it first used “Lola” on December 2000.
6. Upon information and belief, Registrant is not using the term “Lola” in the ordinary course of trade for the goods or services listed in the Registration.
7. Upon information and belief, Registrant intends not to resume bona fide use of the name “Lola” in the ordinary course of trade.
8. Petitioner believes it is, has been and/or will be damaged by the Registration and hereby petitions to cancel Registration No. 3,625,221 under 15 U.S.C. § 1064(3) on the ground that Registrant has abandoned the “Lola” mark.

WHEREFORE, Petitioner prays that Registration No. 3,625,221 be cancelled pursuant to 15 U.S.C. § 1064(3) because the “Lola” mark has been abandoned by Registration.

Dated: May 15, 2013

Respectfully submitted,

Alan I. Cyrlin
LAW OFFICES OF ALAN I. CYRLIN
5850 Canoga Avenue, Fourth Floor
Woodland Hills, CA 91367
(818) 636-1203

Attorney for Petitioner